

Message Text

UNCLASSIFIED

PAGE 01 STATE 087942
ORIGIN OES-07

INFO OCT-01 ARA-14 EUR-12 EA-12 ISO-00 SS-15 L-03
SIG-03 ACDA-12 NRC-07 SOE-02 DOE-15 PA-02 ICAE-00
SP-02 IO-14 DODE-00 NSCE-00 /121 R

DRAFTED BY OES/NET/NEP:WMOFFITT:SK
APPROVED BY OES/NET:LVNOSENZO
T/D - MR. WELCH
EUR/RPE - MS. STOCKER
S/AS - MR. KELLEY
L/N - MR. BETTAUER

-----006662 060304Z /66

O 060047Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY BONN IMMEDIATE
AMEMBASSY BRUSSELS IMMEDIATE
AMEMBASSY COPENHAGEN IMMEDIATE
AMEMBASSY DUBLIN IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY LUXEMBOURG IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY ROME IMMEDIATE
AMEMBASSY THE HAGUE IMMEDIATE
INFO AMEMBASSY BRASILIA IMMEDIATE
AMEMBASSY MOSCOW
AMEMBASSY BERN
AMEMBASSY STOCKHOLM
AMEMBASSY TOKYO
AMEMBASSY VIENNA

UNCLAS STATE 087942

USIAEA ALSO FOR EMBASSY, USEEC ALSO FOR EMBASSY

E.O. 11652: N/A

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 087942

TAGS: TECH, PARM, ENRG, EC

SUBJECT: RENEGOTIATION OF US-EURATOM AGREEMENT

FOLLOWING IS PRESS GUIDANCE ON SUBJECT RENEGOTIATION
PREPARED FOR APRIL 5 DEPARTMENT PRESS BRIEFING; HOWEVER,
TOPIC WAS NOT RAISED. POSTS MAY DRAW ON GUIDANCE IN RE-

SPONSE TO LOCAL PRESS INQUIRIES

Q: DOES THE US INTEND TO IMPOSE A NUCLEAR EMBARGO ON
LICENSES TO EURATOM AFTER APRIL 9?

A: THE NON-PROLIFERATION ACT THAT WAS RECENTLY ENACTED
PROVIDES THAT CERTAIN CRITERIA MUST BE MET FOR NRC EXPORT
LICENSING OF NUCLEAR EQUIPMENT AND MATERIAL. OUR NUCLEAR
AGREEMENT WITH THE COMMUNITY MEETS ALL BUT ONE OF THESE
CRITERIA (US CONSENT OVER REPROCESSING OF US-SUPPLIED
NUCLEAR FUEL). HOWEVER, IN THE CASE OF EURATOM, THE ACT
PROVIDES THAT EXPORTS CAN BE LICENSED TO EURATOM COUNTRIES
FOR 30 DAYS AFTER ENACTMENT (UNTIL APRIL 9) AND FOR 23
MONTHS THEREAFTER IF EURATOM AGREES TO INITIATE NEGOTIA-
TIONS CONCERNING POSSIBLE MODIFICATIONS TO THE US-
EURATOM AGREEMENT. AFTER THIS INITIAL TWO-YEAR PERIOD,
THE PRESIDENT CAN EXTEND IT FOR ONE YEAR PERIODS, BY

NOTIFYING THE CONGRESS.

WE HAVE BEEN DISCUSSING THIS MATTER WITH THE COMMUNITY
AND AS SOON AS IT ADVISES US OF ITS WILLINGNESS TO INI-
Tiate NEGOTIATIONS, THE NRC WILL BE IN A POSITION TO IS-
SUE EXPORT LICENSES AFTER APRIL 9. IN THE MEANTIME, THE
EXECUTIVE BRANCH WILL CONTINUE TO PROCESS COMMUNITY AP-
PLICATIONS AND MAKE OUR RECOMMENDATIONS ON THESE LICENSE
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 087942

APPLICATIONS TO THE NRC IN ANTICIPATION OF SUCH NOTIFI-
CATION BY EURATOM.

IT APPEARS TO BE IN THE INTEREST OF BOTH EURATOM AND THE
US SPEEDILY TO RESOLVE THIS PROCEDURAL MATTER AND WE ARE
CONFIDENT THAT THIS WILL BE THE CASE.

Q: IF EURATOM INDICATES A WILLINGNESS TO RENEGOTIATE,
SAY A MONTH OR TWO FROM NOW, DOES THE 23-MONTH WAIVER
PERIOD FOR CONTINUING EXPORTS BEGIN THEN?

A: NO. THE WAIVER PERIOD BEGAN ON MARCH 10, 1978, THE
DATE THE NUCLEAR NON-PROLIFERATION ACT WAS SIGNED INTO
LAW, AND WILL EXPIRE IN 24 MONTHS, SUBJECT TO FURTHER
EXTENSIONS BY THE PRESIDENT. WHENEVER EURATOM AGREES TO
NEGOTIATE, EXPORT LICENSING TO CONTINUE FOR THE TIME
REMAINING (UP TO MARCH 10, 1980).

Q: DOES OUR PRESENT AGREEMENT WITH EURATOM MEET THE CRI-
TERION OF THE NEW LAW WITH REGARD TO US CONSENT OVER
MOVEMENT OF US-ORIGIN MATERIAL WITHIN EURATOM?

A: THE NEW LAW DOES NOT REQUIRE US CONSENT FOR RETRANSFERS WITHIN EURATOM. THE SENATE REPORT ON THE NON-PROLIFERATION LEGISLATION MAKES THIS CLEAR. IT STATES:
"IT SHOULD BE NOTED THAT UNDER THE US-EURATOM AGREEMENTS, THE US DOES HAVE A RIGHT OF PRIOR APPROVAL ON RETRANSFERS OF CERTAIN MATERIAL OUTSIDE OF THE EURATOM COMMUNITY. IT SHOULD ALSO BE NOTED THAT PARAGRAPH 4 DOES NOT REQUIRE PRIOR APPROVAL WITH RESPECT TO TRANSFERS WITHIN THE EURATOM COMMUNITY, CONSISTENT WITH US POLICY OF TREATING THAT COMMUNITY AS A (SINGLE) ENTITY. VANCE

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 STATE 087942

ORIGIN OES-03

INFO OCT-01 ISO-00 /004 R

66011

DRAFTED BY WILLIAM MOFFITT

APPROVED BY WILLIAM MOFFITT

-----029449 070357Z /65

P 070130Z APR 78

FM SECSTATE WASHDC

INFO RUEHND/AMEMBASSY NEW DELHI PRIORITY 9898

AMEMBASSY OTTAWA PRIORITY

UNCLAS STATE 087942

REF: NEW DELHI 5356

FOL RPT STATE 087942 SENT ACTION BONN, BRUSSELS, COPENHAGEN, DUBLIN, LONDON, LUXEMBOURG, PARIS, ROME, THE HAGUE, INFO BRASILIA, MOSCOW, BERN, STOCKHOLM, TOKYO, VIENNA
DTD 060047Z APR 78.

QUOTE: UNCLAS STATE 087942

USIAEA ALSO FOR EMBASSY, USEEC ALSO FOR EMBASSY

E.O. 11652: N/A

TAGS: TECH, PARM, ENRG, EC

SUBJECT: RENEGOTIATION OF US-EURATOM AGREEMENT

FOLLOWING IS PRESS GUIDANCE ON SUBJECT RENEGOTIATION

PREPARED FOR APRIL 5 DEPARTMENT PRESS BRIEFING; HOWEVER,
TOPIC WAS NOT RAISED. POSTS MAY DRAW ON GUIDANCE IN RE-
SPONSE TO LOCAL PRESS INQUIRIES

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 087942

Q: DOES THE US INTEND TO IMPOSE A NUCLEAR EMBARGO ON
LICENSES TO EURATOM AFTER APRIL 9?

A: THE NON-PROLIFERATION ACT THAT WAS RECENTLY ENACTED
PROVIDES THAT CERTAIN CRITERIA MUST BE MET FOR NRC EXPORT
LICENSING OF NUCLEAR EQUIPMENT AND MATERIAL. OUR NUCLEAR
AGREEMENT WITH THE COMMUNITY MEETS ALL BUT ONE OF THESE
CRITERIA (US CONSENT OVER REPROCESSING OF US-SUPPLIED
NUCLEAR FUEL). HOWEVER, IN THE CASE OF EURATOM, THE ACT
PROVIDES THAT EXPORTS CAN BE LICENSED TO EURATOM COUNTRIES
FOR 30 DAYS AFTER ENACTMENT (UNTIL APRIL 9) AND FOR 23
MONTHS THEREAFTER IF EURATOM AGREES TO INITIATE NEGOTIA-
TIONS CONCERNING POSSIBLE MODIFICATIONS TO THE US-
EURATOM AGREEMENT. AFTER THIS INITIAL TWO-YEAR PERIOD,
THE PRESIDENT CAN EXTEND IT FOR ONE YEAR PERIODS, BY

NOTIFYING THE CONGRESS.

WE HAVE BEEN DISCUSSING THIS MATTER WITH THE COMMUNITY
AND AS SOON AS IT ADVISES US OF ITS WILLINGNESS TO INI-
Tiate NEGOTIATIONS, THE NRC WILL BE IN A POSITION TO IS-
SUE EXPORT LICENSES AFTER APRIL 9. IN THE MEANTIME, THE
EXECUTIVE BRANCH WILL CONTINUE TO PROCESS COMMUNITY AP-
PLICATIONS AND MAKE OUR RECOMMENDATIONS ON THESE LICENSE
APPLICATIONS TO THE NRC IN ANTICIPATION OF SUCH NOTIFI-
CATION BY EURATOM.

IT APPEARS TO BE IN THE INTEREST OF BOTH EURATOM AND THE
US SPEEDILY TO RESOLVE THIS PROCEDURAL MATTER AND WE ARE
CONFIDENT THAT THIS WILL BE THE CASE.

Q: IF EURATOM INDICATES A WILLINGNESS TO RENEGOTIATE,
SAY A MONTH OR TWO FROM NOW, DOES THE 23-MONTH WAIVER
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 087942

PERIOD FOR CONTINUING EXPORTS BEGIN THEN?

A: NO. THE WAIVER PERIOD BEGAN ON MARCH 10, 1978, THE
DATE THE NUCLEAR NON-PROLIFERATION ACT WAS SIGNED INTO
LAW, AND WILL EXPIRE IN 24 MONTHS, SUBJECT TO FURTHER

EXTENSIONS BY THE PRESIDENT. WHENEVER EURATOM AGREES TO NEGOTIATE,EXPORT LICENSING TO CONTINUE FOR THE TIME REMAINING (UP TO MARCH 10, 1980).

Q: DOES OUR PRESENT AGREEMENT WITH EURATOM MEET THE CRITERION OF THE NEW LAW WITH REGARD TO US CONSENT OVER MOVEMENT OF US-ORIGIN MATERIAL WITHIN EURATOM?

A: THE NEW LAW DOES NOT REQUIRE US CONSENT FOR RETRANSFERS WITHIN EURATOM. THE SENATE REPORT ON THE NON-PROLIFERATION LEGISLATION MAKES THIS CLEAR. IT STATES:
"IT SHOULD BE NOTED THAT UNDER THE US-EURATOM AGREEMENTS, THE US DOES HAVE A RIGHT OF PRIOR APPROVAL ON RETRANSFERS OF CERTAIN MATERIAL OUTSIDE OF THE EURATOM COMMUNITY. IT SHOULD ALSO BE NOTED THAT PARAGRAPH 4 DOES NOT REQUIRE PRIOR APPROVAL WITH RESPECT TO TRANSFERS WITHIN THE EURATOM COMMUNITY, CONSISTENT WITH US POLICY OF TREATING THAT COMMUNITY AS A (SINGLE) ENTITY. VANCE
UNQUOTE VANCE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR AGREEMENTS, TEXT, NEGOTIATIONS, REGIONAL ORGANIZATIONS, PRESS RELEASES
Control Number: n/a
Copy: SINGLE
Draft Date: 06 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE087942
Document Source: CORE
Document Unique ID: 00
Drafter: WMOFFITT:SK
Enclosure: ALSO FOR USIAEA AND USEEC
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780148-0047
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780485/aaaacuct.tel
Line Count: 243
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 61845cb5-c288-dd11-92da-001cc4696bcc
Office: ORIGIN OES
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3052975
Secure: OPEN
Status: NATIVE
Subject: RENEGOTIATION OF US-EURATOM AGREEMENT FOLLOWING IS PRESS GUIDANCE ON SUBJECT RENEGOTIATION PREPARED FOR APRIL 5 DEPARTMENT PRESS BRIEFING; HO
TAGS: TECH, PARM, ENRG, US, EEC, EURATOM
To: BONN BRUSSELS MULTIPLE
Type: TE
vdkgvkey: odb://SAS/SAS.dbo.SAS_Docs/61845cb5-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014